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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/996,046	11/28/2001	Noboru Mochizuki	44471-267326 (13700)	1246

23370 7590 10/17/2003

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EXAMINER

SCHULTERBRANDT, KOFI A

ART UNIT

PAPER NUMBER

3632

DATE MAILED: 10/17/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/996,046	MOCHIZUKI ET AL.	
	Examiner	Art Unit	
	Kofi A. Schulnerbrandt	3632	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 November 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-6 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-6 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 28 November 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) <u>2</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

This first Office Action is in response to Applicant's Originally filed Application received on November 28, 2001 in this case.

Information Disclosure Statement

The information disclosure statement (IDS) submitted on November 28, 2001 is in compliance with the provisions of 37 CFR 1.97. Accordingly, the information disclosure statement has been considered by the examiner.

Priority

Receipt is acknowledged of papers (Japan P2000-365711, 11/30/2000) submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 3 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. It is unclear whether the "second supports" of line 2, are related to the "second support" of claim 1, line 11. Applicant may have intended in

claim 3 that --the second support is a plurality of supports extending symmetrically relative to the first support--. Correction or clarification is required.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 2 and 3 are rejected under 35 U.S.C. 102(b) as being anticipated by Ito et al. (5,342,013). Ito et al. teach each feature of the claimed invention as shown in the attached red marked up copy of Ito's Figures 5-7. Regarding claim 2, Ito's cap covers the end opening of the second guide as illustrated by the directional arrow of Figure 7 showing how the cap is pressed onto the end of the second guide. Regarding claim 3, Ito clearly teaches a plurality of supports extending symmetrically relative to the first support.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 4 and 5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ito et al. (5,342,013), in view of Akira Nemoto (63-105536). Ito et al. teach, substantially, each feature of the claimed invention. Ito et al. do not teach a wall facing the end of the second guide, the first wall being formed as a unit with one of the first and second guides. Nemoto, however, teaches a cap having a side wall formed as a unit with the remainder of the cap. It would have been obvious to one of ordinary skill in the art at the time of invention to have formed a side wall on Ito et al.'s cap as a unit with the remainder of Ito et al.'s cap except where the shaft protrudes in order to minimize the possibility of a passenger getting caught in the rotating shaft mechanism. Regarding claim 5, Ito et al. teach a second lock part (9c) and inherently teaches a first lock part (col. 3, Ins. 46-49) as being the portion of the second guide that contacts the first lock part to create the "stable location" (col. 3, In. 50). Ito et al.'s second wall is shown in the attached red marked-up copy of Ito et al.'s Figure 5.

Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ito et al. (5,342,013), in view of Ueno et al. (5,476,326). Ito et al. teach, substantially, each feature of the claimed invention. Ito et al. do not teach a resin cap. Ueno et al., in the bearing area, however, teaches a resin bearing. It would have been obvious to one of ordinary skill in the art at the time of invention to have constructed Ito et al.'s cap from resin in order to make the cap/bearing non-corrosive, wear resistant, strong and light as are well known properties of synthetic resin.

Prior Pertinent Art

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. U.S. Patent No. '727 to Chinomi et al.; '159 to Terada et al.; '866 to Aihara et al.; '786 to Tanaka et al.; '872 to Isomura; '242 to Mouri et al.; '071 to Miyauchi et al.; '309 to Zhou et al.; '660 to Yoshimatsu; '712 to Clark et al.; and '642 to Ito et al. The foregoing references each teach a vehicle seat translation device with a threaded rod and capped rail.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kofi A. Schulterbrandt whose telephone number is (703) 306-0096. The examiner can normally be reached on Monday - Friday, 8:00 a.m. - 5:00 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Leslie A. Braun can be reached on (703) 308-2156. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9326 for regular communications and (703) 872-9327 for After Final communications.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1113.



Kofi Schulterbrandt
September 25, 2003



LESLIE A. BRAUN
SUPERVISORY PATENT EXAMINER

Fig. 5

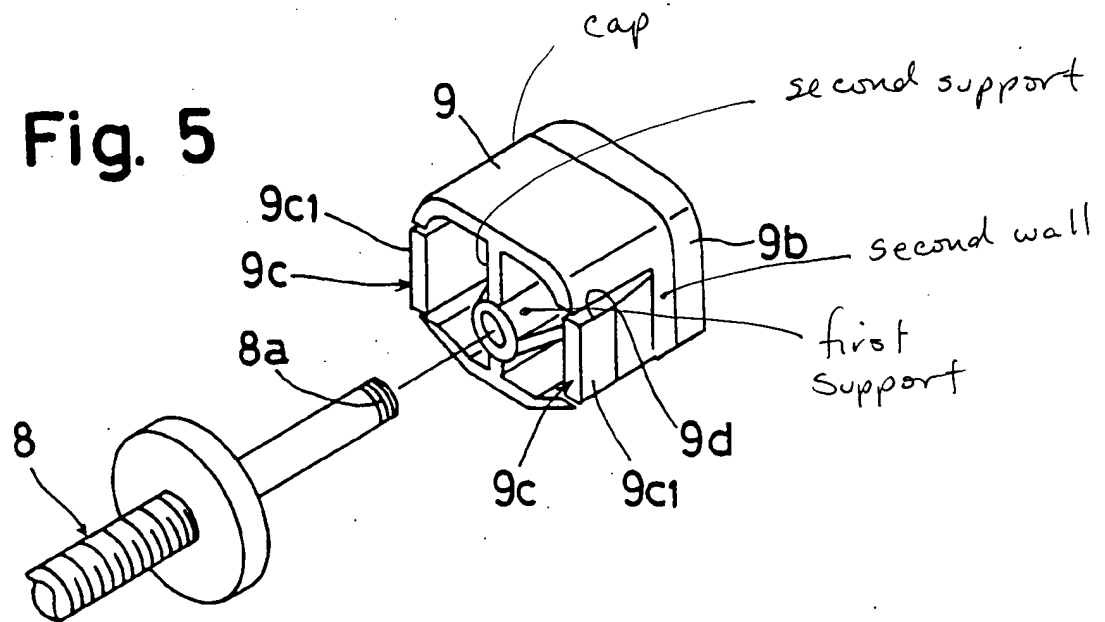


Fig. 6

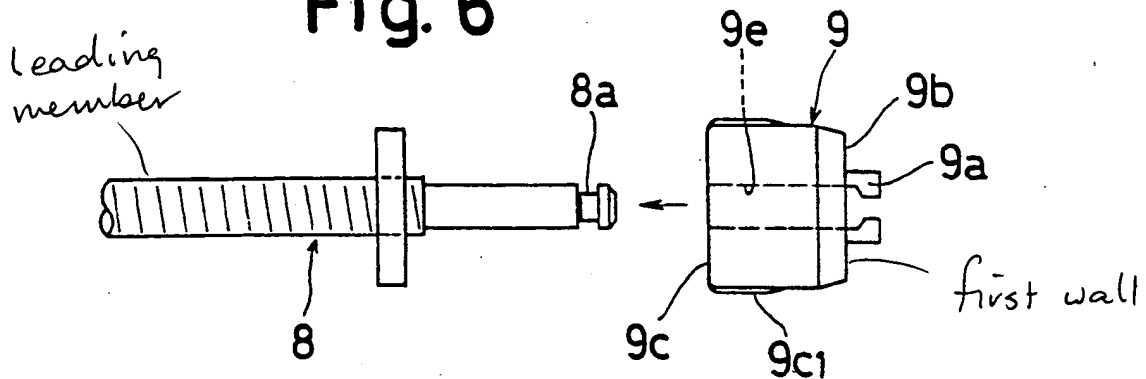


Fig. 7

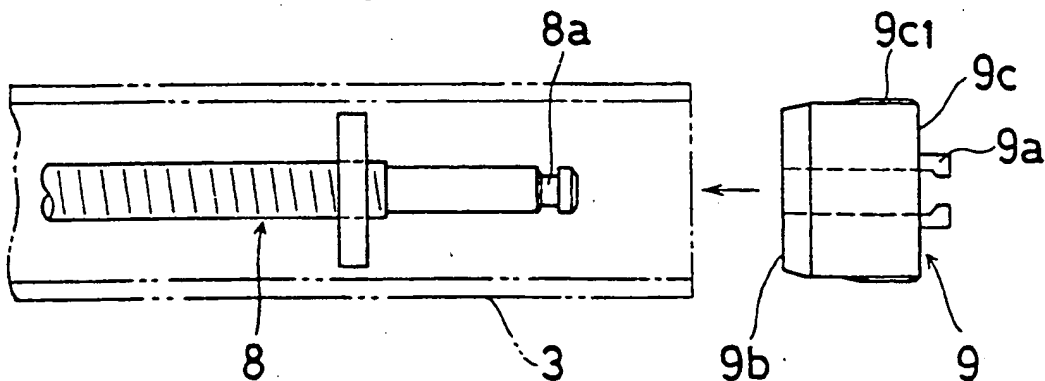


Fig. 1

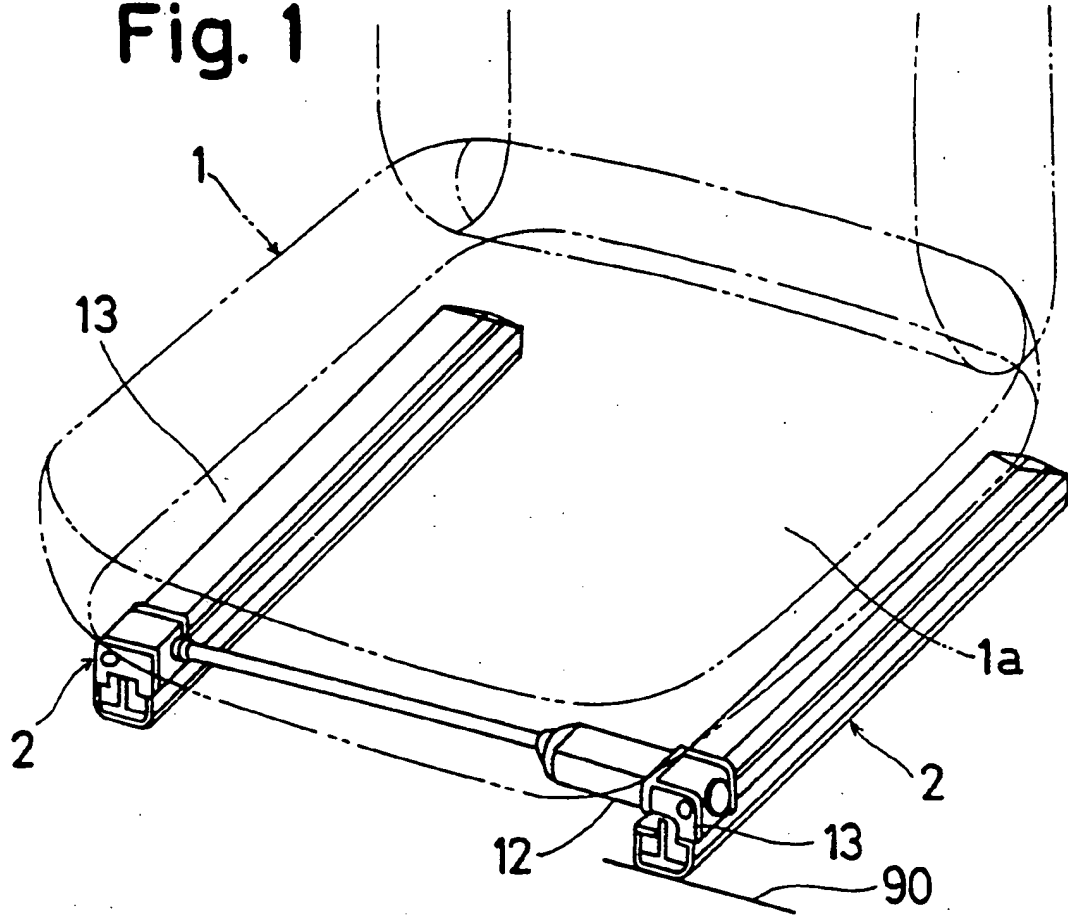


Fig. 4

